

the Rules Committee today is—a lot of seniors tell me, they come up to me and say they are worried about the fact that Medicare may become insolvent and there wouldn't be enough money in the trust fund to pay for it. The bottom line is that the health care reform bill extends the judgment day, if you will, when the solvency problem becomes an issue much further. And if you have the repeal, the solvency problem hits us 6 years from now, in 2017, from what I understand.

So another problem with repeal is not only does it increase the deficit, but it also is only 6 years from now that we would have to deal with this Medicare solvency problem. And what is that going to mean? That is going to mean probably cutbacks in benefits for senior citizens. Because if you don't have the money, you are going to have to cut back on the benefits. It is amazing to me how they can continue to talk about this repeal.

The other thing they keep saying on the other side of the aisle, the Republicans say, well, the reason we want the repeal is because this health care reform is killing jobs. Nothing could be further from the truth.

□ 1630

The fact of the matter is that under this health care reform because the cost of health care premiums for employers will be significantly reduced, they will be able to hire more people. Part of the problem that we have with competition with other countries, you mentioned all these other countries, all these other industrial countries that have free health care, universal health care. That means that the employers don't carry the burden of that. So when they hire someone if the government is paying for it, they don't have to worry about that for their employees necessarily. If the cost of premiums go down, then the costs of hiring somebody goes down in the United States.

In addition to that, there are all kinds of jobs created in the health care professions because, as everyone gets covered and everybody needs a primary care doctor, you're going to need more doctors, more nurses, more health aides because people will get that kind of preventative care. So there are jobs created with the preventative care in handling people, to make sure they stay healthy or they stay well.

It is unbelievable to me when they talk about repeal. What the Republicans should be doing is spending the first few days of this session talking about how to improve the economy and create jobs, not repealing health care. I think the American people have moved on. They don't want to hear this. They want to know what this Congress is going to do to create jobs and improve the economy. We've already dealt with the health care issue and they want us to move on.

Mr. GARAMENDI. We have about, maybe 3 minutes, 4 minutes, and I am going to turn now to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I just wanted to add one thing. Thank you.

The gentleman from New Jersey brought up an issue, and he said that it was not true that it was costing jobs. There is some respected group, I think it's called FactCheck. They were on national news giving the biggest lies told in politics in the last year. The number one biggest lie—this independent group—was the Republican mantra of government run or government mandated health care. It's just a fact. That's the biggest lie told the American public. And it came from the leaders on the other side, it came from these halls where they are immune from defamation suits. Because it's not government run health care. It's unheard of, unfathomable, that the other side would use the fact that they're immune from prosecution in any other jurisdiction or court for words that aren't true to do that and in politics to say it was government run health care, the biggest lie of 2010, and it comes to the floor next week.

Mr. GARAMENDI. We are going to wrap this one up. I see the gentleman from Kentucky is here and he will probably carry on with health insurance. Maybe a couple of us will be asked to join him.

We have really today focused on a broad range of issues: The patients' bill of rights; the way in which the repeal would harm individuals who have pre-existing conditions; young children from infancy; the 23- to 26-year-old coverage.

We also discussed a little bit about how this affects business and, of course, we went into some detail about senior citizens. All of these are critically important issues. We will be discussing these in the days ahead. I do hope the American public will really pay attention, because this next week, particularly as we move towards Wednesday, is going to be absolutely critical to the American people. It's a question about will all of us in America be able to get health care coverage that is affordable and provides us with the opportunity to have the health care that we need.

Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WEBSTER). Members are reminded that remarks in debate are properly addressed to the Chair rather than any perceived television viewing audience.

HEALTH CARE DEBATE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 30 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker. I can tell you that I am pleased to address you, Mr. Speaker, here on the floor of the United States

House of Representatives and welcome you to this great deliberative body which becomes instantly far more deliberative than it has been over the last 4 years. This is part of it.

As I deliberate and I listened to the gentleman from Tennessee, I have to make the point that when you challenge the mendacity of the leader, or another Member, there is an opportunity to rise to a point of order, there is an opportunity to make a motion to take the gentleman's words down. However, many of the Members are off in other endeavors. I would make the point that the leader and the Speaker have established their integrity and their mendacity for years in this Congress, and I don't believe it can be effectively challenged, and those who do so actually cast aspersions on themselves for making wild accusations.

I came to this floor, though, Mr. Speaker, to talk about the weather, and as I listened to the speeches that have gone on before in this previous half-hour or hour, it actually changed the subject for me. I think there are many things that need to be brought out and clarified, given this, that we have debated this health care bill. We debated this health care bill for, oh, close to a year. It was announced in Rules Committee earlier today that there were, I believe they said, 100 hours of markup in committee. Well, it wasn't the bill that passed. It was 100 hours of debate and markup on a different bill. They switched bills at the end. That's a matter of public record and fact, also.

But the American public understands what happened. They understand that the Speaker of the House said, We have to pass the bill—meaning ObamaCare, Mr. Speaker—in order to find out what's in it. When that bill was passed, to set the record also straight, I don't think there is another time in the history of this Congress that there was a bill of this magnitude—in fact I'm certain there is not—that passed the House of Representatives without the majority support of the House of Representatives for the bill that was before us.

It is a fact of record, it's a fact of judgment, it's a fact of history, that there had to be conditions that were attached in order to achieve the votes necessary to squeak that bill by and pass ObamaCare here in the House on that day last March. If people forget, Mr. Speaker, what I'm talking about, it's this: Remember, there was a switch on the bill. The bill that was marked up in committee is not the bill that came to the floor, not the bill that had hearings on it and had markup. But there were also conditions. We should remember there were the Stupak Dozen, the Stupak Dozen who said we insist that there be an amendment brought forward that will protect so that the language that's in the bill doesn't fund abortion through a Federal mandate. They held out on that to get that vote. Little did I know up

until that Saturday afternoon that the gentleman who was doing the negotiating had already committed to vote for the bill, and the Stupak Dozen were anonymous people. Furthermore, they had negotiated with the President of the United States who made a commitment and followed through on it to sign an executive order that would pacify or mollify the anonymous Stupak Dozen under the presumption, unconstitutionally and completely outside the bounds of the separation of powers, that the President of the United States could effectively amend legislation by executive order and promise he's going to do so before the bill was even brought to the floor for a vote. That happened in this Congress.

Another condition of that was, this is a condition that came after the then-chair of the Rules Committee, the gentlewoman from New York (Ms. SLAUGHTER), had offered the idea that they should just deem that the bill passed so they didn't have to go on record of voting for this bill; because they knew how bad it was. They knew how politically vulnerable they were. They knew that Speaker PELOSI was making many of them walk the plank. A lot of those people are not here in this 112th Congress because of that action. But as I talked about why this bill didn't have the support of the Congress and in the form that was before us, why the majority did not support it, the majority votes that day in its form, because there also had to be another deal on top of this. This was the deal that the Senate had to pass a reconciliation package which was designed to amend the bill that had not yet been brought to floor of the House for a vote. I don't know that it's the first time in history that there's been a shenanigan like that played, but it's the first time in my knowledge that there has been a bill certainly of that magnitude that came before this Congress that was not the bill that came through committee, that was pledged to be, I put it in quotes, amended by a Presidential executive order, and further amended by a reconciliation bill that would later pass the United States Senate.

That's what we have before us with ObamaCare. And it became the law of the land on that date of March 30, 2010; passed over here in the House, if I remember correctly, on the late evening of March 21 or the early morning of March 22, Sunday night. I remember my long walk home that night. I remember telling myself, I'm going to sleep until I'm all rested up and then I'm going to wake up and figure out what to do.

I didn't sleep very long. I couldn't sleep with that policy imposed upon the American people with the realization that it would become the law of the land. And about 2½ hours later, I got up and went to my word processor and typed up a request for a bill to repeal ObamaCare. I filed that request at the opening of business that day, the first opportunity in the first minutes of that day.

□ 1640

I want to thank and congratulate MICHELE BACHMANN. I didn't know it, she was awake in the middle of the night doing the same thing, and her bill draft came down within 3 minutes of mine, exactly the same words. That bill draft was turned into a discharge petition with this huge Pelosi majority in the 111th Congress, and the discharge petition gathered 173 signatures, bipartisan by the Pelosi definition at least, Mr. Speaker. And that was part of the foundation that I think actually did shake this country.

There was a statement made in the Rules Committee when they were deliberating on the rule for H.R. 2 that we had said that the sky would fall if ObamaCare became the law of the land, and they said the sky didn't fall. Well, Chairman UPSON, now chairman of the Energy and Commerce Committee, said, yes, it did. The sky did fall.

When you look at the 87 freshmen new Republicans that are seated over on this side, the nine freshmen Democrats on this side, I think that any political pundit would tell you there was a political earthquake in America that was brought about in large part by the imposition of this liberty-stealing unconstitutional ObamaCare bill that is before this Congress now.

This Congress was elected to come here and repeal ObamaCare, get a handle on the debt and the deficit and lay the foundation so that private enterprise can start to have faith in the future of this country again and they can create the jobs under the framework that we are hopeful we will be able to bring through.

But we are truthfully not in a position yet where the House of Representatives can lay all of the economic foundation that is necessary for free enterprise to have enough faith and confidence to invest our capital in a robust fashion.

What we are in a position to do now with a new Congress and a new Speaker is to be able to play an effective defense against the existing majority in the United States Senate and the President of the United States, who has frantically been digging holes through his Keynesian economics-onsteroids theory and dug such a deep hole that we have watched NANCY PELOSI preside over an additional \$5.2 trillion in debt, and we have watched the Obama administration run that up under their term of only a couple of years of about \$3 trillion.

And it has got to stop. The American people did this. They were looking at President Gulliver Obama, and they were the Lilliputians that came to the polls on November 2 and tied him up with all their little electoral ropes and said to the new freshmen class, join those incumbent Republicans that are there and any discerning Democrats that are willing to join, and there will be some join on this vote tomorrow and on Wednesday to repeal ObamaCare, and take the shovel out of the hands of

the President and certainly take the gavel out of the hand of NANCY PELOSI. That is what happened.

Now, I take you back through this history, because it is being rewritten again. How can they go before the Rules Committee, stand here on the floor of the House before the American people, Mr. Speaker, and take the position that somehow if they just explain it one more time and one more way, that the American people will now have some left-wing light bulb come on in their head? It is not going to happen.

The American people have seen clearly. They washed the lenses off and they have looked down through the lens of the Constitution and fiscal responsibility and common sense and they were appalled at that liberty-stealing bill of ObamaCare, and they said repeal that monstrosity, because the destiny of America will be forever diminished unless we do.

This is the charge that this new Congress has. It is the voice of the American people, and it is the respect that we must have, and my gratitude for God's gift to America, the freshman class that was elected in 2010 and sworn in here right here on this floor yesterday afternoon, and they will affect the agenda of this country for many Congresses to come; and it will be a responsible agenda that brings us to a balanced budget and begins to reduce the deficit that this country has, not just the deficit spending, but reduce the national debt.

We must get to the point where we can begin to pay down the national debt, and we start with this Congress. We start by rolling back the spending to 2008 levels. We started here today with a vote that cut our own budgets by 5 percent. It is not a lot of money; and, yes, it is symbolic, but it is the symbolism that compels us to follow through. If it is good enough now for those of us in this Congress that voted on that, it is also good enough to bring that policy back through the United States of America.

Well, so what I have heard is the Members on the other side of the aisle that still stand here and defend ObamaCare, the ones that are left, they have four talking points about the bill that they think are compelling, and they must believe that it offsets all of the horrible things about ObamaCare.

First they say that, well, remember, the President had all of these promises about what he was going to do with ObamaCare. And he is the first one that I know of that attached the word "ObamaCare" to it in a public way. It was at the Blair House during the health care summit, February 25, 2010, when the President of the United States referred to his own bill as ObamaCare. So that is the shorthand version for all this long thing. They don't want to say ObamaCare. I don't know why. That is how everybody knows it, and that is how everybody understands it.

So under ObamaCare, they say there are four—they don't list only four, they just give you the four—four redeeming components to ObamaCare that apparently offset all the horrible things about it, and these four redeeming conditions are these:

That it requires insurance companies all across America with a Federal mandate to provide for policies that must keep your children on there up until age 26. They think that is something that America has fallen in love with as a really good brainy solution.

Now, I know there are Republicans that support the idea of insurance policies being extended to age 26; but, Mr. Speaker, what a lot of people don't know in this country is there are at least two Members in this Congress that were elected before age 26, and had ObamaCare been implemented before they were elected to office, they would have, could have, been on their parents' health insurance plan.

Now, isn't that a nice thing, when you wean them off of their parents' health insurance plan and you transition them over and put a pin on their lapel and say, now, run the country. They haven't had a single minute of their own health insurance policy until we get here, and actually we have a responsibility for it here. We pay our chunk of the premiums, like any other Federal employee.

But I just think it is ironic that there would be such a strong argument that people elected to Congress could come here, walk in that door, come down here before the Speaker's rostrum, raise their hand and take the oath of office, and at that moment still be on their mommy and daddy's health insurance policy.

I wanted my kids to grow up. When they turned 18, I told them my responsibilities are now done. I am going to nurture you and give you advice and counsel you, and I will help you where I can. But I am not obligated, guys. We did our best for the first 18 years. We will do our best for every year. We will love you all our lives, but you got to start pulling your own load. Now I look at three grown sons in their thirties, all married, five grandkids, each an entrepreneur in their own right, pulling their own load, and I am glad that they didn't have to stay unweaned until age 26.

But if the insurance companies want to do that, you should be able to buy the policy. If States want to mandate, I think it is not a good policy, but they can do so constitutionally, and then if a person is tired of paying those kind of premiums, you can move to another State and vote with your feet. There are some States in the Union here that I would move out of because I can't afford the health insurance in them. There are other States one could think about moving to because of the opposite.

Here is the second point: preexisting conditions. They always tie this preexisting conditions in with the word

"discrimination" because it is like a civil rights code word. So if an insurance company says I don't want to provide insurance policies to people who have preexisting conditions who wait until they get sick before they buy a policy, the health insurance purchasing equivalent of waiting for your house to be on fire before you go buy property and casualty insurance, how many rational people, Mr. Speaker, in this country, would make the case that we ought to have a guaranteed issue for our fire insurance on our house? Couldn't we then just, you know, set up our little BlackBerry with an automatic send and wait for the fire alarm to go off, and on the way down the steps to bail out of the burning house, you just click "send," and automatically they have to give you a policy so that your house could be rebuilt if it is on fire.

We wouldn't do that. It is ridiculous because it defeats the logic of insurance. The logic of insurance is you want to be insured against a catastrophe, and you want to share that risk with other people who want to be insured against a catastrophe. It is true for fire insurance, it was true for flood insurance until the Federal Government took it over, and it needs to be true with health insurance.

But we will address preexisting conditions; and we will have a legitimate debate on preexisting conditions here in this Congress, in committee hearings, before committees, amendments offered, amendments allowed and amendments offered and debated and voted up and down.

My position is that if the States want to prohibit the consideration of preexisting conditions, they may do so. Our State has a high-risk pool, and we fund part of those premiums with the high-risk pool out of the State treasury.

□ 1650

I think that's a good idea. I have worked to develop that and expand that in my time in the State legislature. I think it's worthy of consideration that the Federal Government could take a look at those State high-risk pools and find ways to help those States provide those kind of backstops because there will always be people that are unfortunate. It won't always just be those that are irresponsible. There are also those that are unfortunate. And so we need to take that into consideration. But to have the whole debate about just those that are unfortunate and not take into consideration those that are responsible, those that are taxpayers, those that are funding, those that are the engine of our economy that are being discouraged by these kind of Big Government, socialized medicine, unconstitutional policies like ObamaCare.

Here's the third one. A 26-year-old with insurance, preexisting conditions. Oh, yes, the discriminatory preexisting conditions policy. It's not discrimina-

tory. It's logical and rational. Would you say that it's a discriminatory policy to not allow people to buy property and casualty insurance if their house is on fire? It's not discrimination. It defies common sense. So I'm not going to let them get by with that word.

Here's a another thing, though. Doughnut hole. They say they fixed the doughnut hole and we would unfix the doughnut hole. The truth is that low-income people have that fix. There is a backstop for that doughnut hole. It's not the hole that they say it is. Furthermore, they raise fees elsewhere to fill the doughnut hole. So it's not fixed. It's just another transfer. So some people are beneficiaries and other people pay the extra money. I am not particularly animated about that, although I thought we should not have had that doughnut hole created here in 2003.

In any case, their next argument is against lifetime caps. If States want to provide lifetime caps, let them do that. But if individuals want to buy policies that have lifetime caps because the premiums are lower, let them make that decision as well, Mr. Speaker. But I envision the day that we have free markets that are engaged in this. We want to preserve the doctor-patient relationship. We want to preserve the free market effect of this so that when people make decisions about their health and their lives, they have some tools to work with.

I want to be able to in this Congress, this 112th Congress, advance the idea and seek to pass legislation that's pretty consistent with Chairman DREIER's. I would expand it a little more. He's advanced the medical savings accounts. I would add we need to advance health savings accounts, HSAs. In 2003, with the expansion of part D, we put language in that established HSAs, health savings accounts. It allowed in the first year for a couple to establish a health savings account with a maximum amount in it of \$5,150, indexed for inflation so it could grow. I don't remember what those numbers are today, but that's the calculus, from \$5,150 on up.

Well, that's a good deal. ObamaCare slashed that in less than half and capped the HSA maximum amount at \$2,500. Why? Because they don't want people to be independent, and they don't want them to be able to make their own decisions. If they do that, then they might undermine this effort of expanding the dependency class in America, which is what ObamaCare is designed to do, because expanding the dependency class expands the Democrat Party, and that increases the political base. And it seems illogical to the people. Well, there's the logic I've just applied to it, and now, Mr. Speaker, they do understand that this is about politics. It's about expanding the dependency class. And it's about diminishing the independence and the spirit of Americans.

And so the lifetime caps piece is the fourth one. Twenty-six year olds, preexisting conditions, doughnut hole,

lifetime caps. That's the things they talk about. Four things. That's it? Do they redeem those 2,500 pages of disaster? Do they then overrule and trump the Constitution of the United States of America? I say no, Mr. Speaker. They cannot, they must not, they should not. And I hear this debate also about an increase in our deficit of the number, I think it was \$232 billion, if—not if anymore, it's when—we repeal ObamaCare.

Well, that deficit, and they want to know, Will you offset that deficit with spending cuts? Yes, sir. We will be happy to offset a deficit with spending cuts. But I would make this argument instead. When you have an unconstitutional bill in front of you, and if you're weighing \$232 billion and you want to debate whether or not that's a reason or not to repeal an unconstitutional bill. You can set no price on the Constitution of the United States of America. If it's a trillion dollars, you repeal the bill anyway because it's unconstitutional. And you don't sit back and twiddle your thumbs and wait for the court to resolve this for you. I'm glad that there's litigation going on in the judicial branch. I'm glad that Judge Hudson found with Virginia on the constitutional component of the Interstate Commerce Clause. I'm glad there are efforts out there in the States to deny the implementation of ObamaCare. All of these things going on.

But we took an oath to preserve, protect, and defend the Constitution of the United States here yesterday. We took it all in good faith. We said so. And when we have an unconstitutional bill before us, Mr. Speaker, it is our obligation to repeal that bill. Our judgment of the Constitution is not a judgment that defers across and down the line of Independence Avenue. We don't go to the Supreme Court and genuflect and say, If you change the meaning of the Constitution, my oath applies. Our oath applies to our understanding and conviction of the text in the original understanding of the Constitution and the various amendments as they were adopted. That's what the Constitution has to mean or it is no guarantee whatsoever to the people in this country.

They rose up and they changed this majority in this House, and they did so because they're a whole group of millions of constitutional conservatives, including the Tea Party groups, and they said, Enough unconstitutional activity, enough of this theft of our liberty. We are not going to pass the debt and deficit on to the succeeding generations. And it was \$230 billion was the point, not \$232 billion, to make it accurate.

But I noticed today in the Republican Study Committee that chairman JIM JORDAN read from an article written by Tony Blankley in *The Washington Times*, December 20, 2010. And it caught my ear. And so I looked it up. And I'd like to just close with this concept that was delivered by Tony Blankley shortly before Christmas this

year. He wrote about an experience in China and how they were worried that if they don't keep the growth going in China that they will create expectations and the peasants in China will be unruleable. If you give them expectations, then you have to meet those expectations. Well, we in America, we trust in our expectations.

And so he writes this. He said what happened on November 2, was that the American people went to the polls and said, I want more liberty and less government. I want more liberty and less security about my future. And he puts it in these words. And I think they're excellent words. No other people in the world would have responded to economic danger by seeking more liberty and less government protection. No other people would have thought to themselves, if I have to suffer economically in order to not steal from my grandchildren, so be it.

I pray we would have come to that decision a generation ago instead of a couple of months ago, Mr. Speaker. But this Congress has come to that decision at the direction and the effectiveness of the American people. And we will follow through on that pledge, and we'll ask them, Keep sending us more people like this freshman class to help get this job done so that in our time we can hand the keys of this Chamber and this government over to the next generation in sound fiscal fashion, sound constitutional fashion, not with diminished liberty, but with expanded liberty, and the pillars of American exceptionalism refurbished by our generation, thanks to the will of the American people.

REPEALING HEALTH CARE

The SPEAKER pro tempore (Mr. FLEISCHMANN). Under the Speaker's announced policy of January 5, 2011, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 30 minutes.

Mr. YARMUTH. Thank you, Mr. Speaker, and congratulations on your election.

It's a great pleasure to be here today. I could spend the next half hour responding to my colleague from Iowa. I think it's fascinating just that one comment, that he talks about reading the Constitution and then talks about how this is an unconstitutional bill. Well, obviously, he apparently stopped at article II and didn't get to article III, which stipulates that the judiciary and the Supreme Court ultimately decide what is constitutional in this country, not Members of Congress.

The Constitution was read today. I'm glad it was. It's always good to remind ourselves of this great foundational document that we all respect, that all of us—all 435 Members of the House—swore to protect and defend yesterday.

□ 1700

In the Constitution, in article I, section 5, it says each House may determine the rules of its proceedings. Yes-

terday, the Republican majority in the House put forth a group of rules changes that will determine how this Congress will operate over the next 2 years.

It was fascinating, in light of our discussion about health care, in light of our discussion about the costs of health care, that one of the things it did, these rules changes that Republicans passed, was basically to vest extraordinary power on one Member of the House of Representatives to determine essentially what the cost, what the deficit or the debt, the budget implications on a particular piece of legislation might be, and the relevance of this to the debate we are in now about the Republicans' proposal to take away all of the privileges of rights and benefits granted by the Affordable Care Act that we passed in the 111th Congress and that I was proud to support.

One of the things that it said was, if there is a vote to repeal the health care bill, the Affordable Care Act that we passed last year, that we basically decide that we don't have to abide by PAYGO rules—in other words, saying that, just because the Congressional Budget Office determined that the Affordable Care Act will save the taxpayers \$230 billion over the next 6, 7 or 8 years and then another \$1 trillion in the following 10 years, we don't have to make the same kind of adjustments that we do for other kinds of additional expenditures. The Republican philosophy is, if you reduce revenues in any way to the government, that's fine; and it doesn't affect the deficit.

Now, a lot of the debate we had in the last Congress over the health care act I heard time, after time, after time, and we heard this with tax cuts and many other things: oh, a business can't operate like this. A family can't operate like this. Well, in fact, I think, in this particular case, that analogy is really relevant because, if I have a family, a two-income family, and all of a sudden one of us loses our job and loses our income, it's really interesting that we could take the position that, oh, it didn't affect our budget, and it didn't affect the family deficit. Just that loss of revenue didn't matter. All we're concerned about is how much we spent. All we're concerned about is the expense side.

What the Republicans have basically done under this new regime, with this new set of rules that they passed yesterday, is to say that there are two separate ledgers—one dealing with expenditures, one dealing with revenue—and that they don't affect each other. It is an astounding philosophy of operation that we are about to embark on.

Under this new rule, when the Bush tax cuts for the very wealthy expire in 2 years, we would not have to account for that loss in revenue to the Federal deficit even though, when we start writing checks and we start trying to borrow money to pay for the deficit, we are going to have to come up with that money. They say, no, it doesn't affect the deficit.